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BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION

WASHINGTON, D.C. 20554

In the Matter of

Preparation for International)
Telecommunication Union World) IC Docket No. 94-31
Radiocommunication Conferences)

To: The Commission

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**COMMENTS ON
SECOND NOTICE OF INQUIRY**

Final Analysis Communication Services, Inc. ("Final Analysis"), an applicant for commercial license in the Non-Voice, Non-Geostationary Mobile Satellite Service ("NVNG MSS"), hereby submits its comments with regard to the *Second Notice of Inquiry* in IC Docket No. 94-31 ("Second Notice") released by the Commission on January 31, 1995.

Final Analysis urges the Commission to adopt a final recommendation for a United States proposal to WRC-95 that will meet the spectrum needs of the NVNG MSS and the American public. Specifically, the Commission should propose that the United States request a minimum of 10 MHz of additional spectrum for NVNG MSS below 1 GHz usage at WRC-95. Without this additional allocation, the critical needs of users in the United States and worldwide cannot be satisfied.

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FILE

I. The United States Should Assume A Position Of Leadership At WRC-95 To Foster The Development Of The NVNG MSS By Requesting An Additional Spectrum Allocation To Serve The Needs Of This Dynamic New Industry And The American Consumer.

The 1993 World Radiocommunication Conference included for the WRC-95 agenda an item which permits adoption of additional NVNG MSS allocations below 1 GHz for 1995. Based in part on this item, the Commission has asked for comments regarding an NVNG MSS allocation at WRC-95. The Commission specifically requests comments on the particular bands that could accommodate this allocation. As demonstrated below, there is a great need for an additional allocation of spectrum for the NVNG MSS. Although the service could theoretically operate on any frequency below 1 GHz, in general, frequencies below 500 MHz are preferable due to cost considerations.¹

In fact, existing usage and technical parameters permit this allocation to come from numerous bands located below 500 MHz. Final Analysis urges the Commission to propose a NVNG MSS allocation at WRC-95 that will enable the United States to maintain its leadership position in the development and implementation of satellite technologies and service offerings.

II. There Is Growing Demand For NVNG MSS In The United States And Throughout The World.

As the Commission has recognized, the NVNG MSS is a dynamic, new communications service that has widespread applications both in the United States and abroad. The systems employ small transceivers to send and receive short data messages to and from low-earth orbit satellites. These devices are

¹The frequencies in the higher ranges will require more expensive hand-held units, thus making the overall service more costly and less accessible to the consumer.

capable of providing a number of diverse services, including emergency location in remote areas, vehicle tracking, monitoring and business and personal data communications. Recent studies reviewed by Industry Working Group-2 (IWG-2) demonstrate that a conservative estimate for the North American market for NVNG MSS is that approximately 13 million user terminals will be in use by the year 2000. These projections are supported by Final Analysis' evaluation of its own market data.

The potential size of the NVNG MSS market is further demonstrated by the growing number of systems that have been proposed worldwide. There are currently 23 non-geostationary MSS satellite systems at frequencies below 1 GHz before the International Telecommunication Union ("ITU"). This number does not include the additional NVNG systems, including that of Final Analysis, that have been proposed in the latest round of filings before the Commission.

Final Analysis believes that the current NVNG MSS allocation is already insufficient to accommodate all of the proposed United States systems. Failure to provide for future growth of the NVNG MSS service will result in increased costs and limited choices for consumers. Thus, both consumers and system operators require an additional NVNG-MSS allocation at WRC-95. Recent studies document this requirement.

A Task Group Report ("TG 8/3") to the ITU Conference Preparatory Meeting ("CPM") addressing mobile satellite items for WRC-95 confirms the shortage of NVNG-MSS spectrum. According to TG 8/3, an additional 7-10 MHz of primary spectrum must be allocated at WRC-95 to meet NVNG service demand anticipated by the year 2000. Indeed, it should be noted that even this

allocation would not satisfy user demands soon after the turn of the century. In light of the rapidly increasing demand for NVNG services and the shortage of spectrum, it is critical that the Commission propose an additional allocation for this service at WRC-95.

III. The Commission Should Propose An Additional Allocation Of At Least 10 MHz For The NVNG MSS

In order to accommodate growing demand in the NVNG MSS by the year 2000, the Commission must support a United States proposal at WRC-95 for at least an additional 10 MHz of spectrum. IWG-2 has spent a considerable amount of time and effort in identifying potential bands that would be compatible with NVNG operations. In large part, these bands were selected on the basis of projected cost for manufacturing necessary terminal equipment and because of the feasibility of sharing between NVNG MSS operations and existing users. Final Analysis supports an allocation of frequencies from any of the bands set forth in the Commission's Second Notice as "Priority One," and "Priority Two."

The 312-315 MHz and 387-390 MHz bands are particularly well-suited for an NVNG MSS allocation. Although these bands are designated for Government use in the United States, they are already allocated to FIXED and MOBILE systems on a primary basis worldwide. Even more significantly, WRC-92 added the Mobile Satellite Service to these bands on a secondary basis. Final Analysis strongly urges the Commission and NTIA to work together in the best interests of the United States by allocating these bands for shared Government/NVNG MSS use.

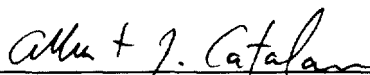
In addition to the spectrum segments mentioned above, Final Analysis requests that the Commission also consider the frequency band 153-157.0375 MHz for addition to the list of frequencies from which the Commission may select an NVNG-MSS allocation. These frequencies are no different in technical characteristics or usage from the 157.0375-174 MHz band already identified by the Commission in its table as a good candidate band. In general, these fixed and mobile users are "intermittent" ("touch to talk") operators whose usage is compatible with NVNG MSS service.

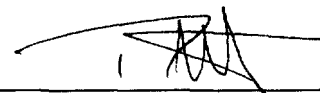
CONCLUSION

In view of the foregoing, Final Analysis respectfully requests that the Commission adopt a recommendation for a United States proposal of an additional allocation of at least 10 MHz of spectrum for the NVNG MSS below 1 GHz at WRC-95.

Respectfully submitted,

**Final Analysis Communication
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Date: March 6, 1995

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Certificate of Service

I, Albert J. Catalano, an attorney in the law firm of Catalano & Jarvis, P.C., hereby certify that on this 6th day of March, 1995, I caused a true and complete photocopy of the foregoing "Comments on Second Notice of Inquiry" to be sent, via U.S. first class mail, postage prepaid, to the following:

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